

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
MARCOS CAZAREZ,

Plaintiffs,

-against-

T&T 130 PIZZA CORP. (d/b/a Bella Napoli)
and TONY RUSSO

Defendants.

-----X

Case No.: 20-CV-5545

**PROPOSED
DEFAULT JUDGMENT**

JUDGMENT

This action was commenced on July 17th, 2020 (Doc. No. 1). Defendants T&T 130 PIZZA CORP. and TONY RUSSO were served with process on August 31st, 2020 and September 1st, 2020, respectively.

To date, Defendants T&T 130 PIZZA CORP. and TONY RUSSO have not answered the Complaint or otherwise moved with respect to said Complaint, and the Clerk of this Court has certified the default of Defendants T&T 130 PIZZA CORP. and TONY RUSSO on February 17th, 2021 (Docs. No. 12 and 13). The time for answering the Complaint having expired, it is

NOW, on motion of Plaintiff, by his attorney Colin Mulholland, Esq., it is hereby ORDERED, ADJUDGED AND DECREED:

That the Plaintiff MARCOS CAZAREZ has judgment joint and severally against the Defendants T&T 130 PIZZA CORP. and TONY RUSSO, in the total amount of \$173,037.47, which includes the following: (A) compensatory damages for unpaid minimum wages, overtime compensation and misappropriated gratuities in the amount of \$61,290.00, (B) liquidated damages for unpaid minimum wages, overtime compensation and misappropriated gratuities under the FLSA/NYLL in the amount of \$61,290.00, (C) unpaid spread of hours pay in the amount of

\$8,887.50 (D) liquidated damages for unpaid spread of hours pay in the amount of \$8,887.50 (E) statutory damages for violation of New York Labor Law § 195 in the amount of \$10,000.00, and (G) pre-judgment interest on unpaid minimum wages, overtime compensation and misappropriated gratuities calculated at the rate of 9% per annum until to the date of judgment, and totaling \$19,844.65 as of June 18, 2021; (H) pre-judgment interest on spread of hours damages to be calculated at the rate of 9% per annum to the date of judgment and totaling \$2,837.82 as of June 18th, 2021; and (I) attorney's fees in the amount of \$4,725.00, and costs in the amount of \$665.00,

That the Plaintiff is awarded post judgment interest, as calculated under 28 U.S.C. § 1961.

That if any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of judgment shall automatically increase by fifteen percent, as required by NYLL § 198(4).

Dated: New York, New York
_____, 20__

THE HONORABLE RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE

This document was entered on the docket on _____.

